

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA
Report on Offender Under Supervision

Name of Offender: Joseph Dean Lira

Docket Number: 0977 1:10CR00135-001

Name of Sentencing Judicial Officer: THE HONORABLE DONALD W. MOLLOY
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 11/9/2011

Original Offense: 21:841C=CD.F; CONTROLLED SUBSTANCE - SELL - DISTRIBUTE - OR
DISPENSE; 18:924C.F; VIOLENT CRIME/DRUGS/MACHINE GUN;
21:841A=CD.F; CONTROLLED SUBSTANCE - SELL - DISTRIBUTE - OR
DISPENSE; 18:2.F; PRINCIPALS

Original Sentence: 382 months Bureau of Prisons, to be followed by 60 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 05/20/2022

NON-COMPLIANCE SUMMARY

Background

On 11/10/2011, the defendant appeared for sentencing before The Honorable Richard F. Cebull, United States District Judge, having been found guilty to the offenses of Possession with Intent to Distribute Methamphetamine, Distribution of Methamphetamine and Use or Carry and Possession of Firearms During and Relation to and in Furtherance of a Drug Trafficking Offense. The offense involved the defendant and others conspiring to distribute methamphetamine. The defendant was originally sentenced to 382 months custody, which consisted of 262 months for each of Counts I, II and III, concurrent, and 120 months on Count IV, consecutive.

On 08/02/2013, the Ninth Circuit Court of Appeals issued an order vacating the District Court's Judgment and remanded for the District Court to re-sentence. On 11/19/2013, the defendant appeared before The Honorable Donald W. Molloy and the defendant was re-sentenced to a term of imprisonment consisting of 322 months, consisting of 262 months on Counts I through III, to run concurrent; 60 months on Count IV to run consecutive. On 11/28/2017, the defendant's sentence of 322 months was further reduced pursuant to 18 U.S.C. 3582(c)(2) (782 motion), to 270 months.

On 03/18/2021, Judge Molloy issued an order granting both a re-sentencing hearing and a supplemental presentence investigation report based on a 2255 motion. On 05/27/2021, the defendant appeared before Judge Molloy, and was re-sentenced to a total term of imprisonment

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of 160 months, consisting 100 months on Counts II and III, to run concurrent; 60 months on Count IV to run consecutive. The defendant began his term of supervised release on 05/20/2022.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

1 **Special Condition:** You must participate in a program for mental health treatment as approved by the probation officer. You must remain in the program until you are released by the probation officer in consultation with the treatment provider. You must pay part or all of the costs of this treatment, depending on your ability to pay, as directed by the probation officer.

Special Condition: You must participate in and successfully complete a program for substance abuse treatment as approved by the probation officer. You must remain in the program until you are released by the probation officer in consultation with the treatment provider. You must pay part or all of the costs of this treatment, depending upon your ability to pay, as directed by the probation officer.

On 07/08/2022, the defendant failed to attend his individual co-occurring treatment session.

2 **Mandatory Condition:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.

On 08/19/2022, the defendant submitted to an urinalysis test at Alternatives, which revealed positive results for methamphetamine. The sample was sent to Abbott Laboratories and confirmed on 08/24/2022.

On 08/28/2022, the defendant submitted to an urinalysis test at Alternatives, which revealed positive results for methamphetamine. The sample was sent to Abbott Laboratories, the results are pending.

U.S. Probation Officer Action:

On 08/29/2022, the defendant and the undersigned officer developed an issue driven plan to address his non-compliance. It was agreed he will be enrolled into an eight-week intensive outpatient substance abuse treatment program, followed by 12 weeks of aftercare treatment. He was instructed to avoid contact with known drug users or individuals he believed to be under the influence.

As a result, the undersigned officer respectfully recommends no Court action at this time.

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Reviewed

Respectfully Submitted

By:



Martin Hylland
Supervising United States Probation Officer
Date: 08/30/2022

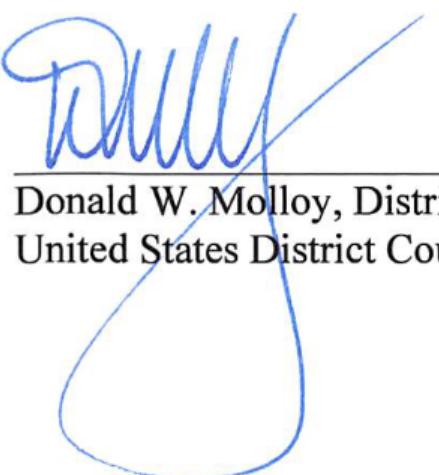
By:



Rochelle Petri
United States Probation Officer
Date: 08/30/2022

ORDER OF COURT

Agrees with U.S. Probation Officer's recommendation.



Donald W. Molloy, District Judge
United States District Court

08/31/2022

Date